IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Bail Appl..No. 6941 of 2007()

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CMP.4991/2007 of J.M.F.C.-I,HOSDRUG
Cr.No.649/2007 OF HOSDURG POLICE STATION

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: PETITIONER/ACCUSED

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1. K.SUMESH, S/O.BHASKARAN, AGED 26 YEARS, AVIKKARA HOUSE, AVIKKARA, HOSDURG, AUTO DRIVER, KASARAGOD DISTRICT.

2. ASHOKAN K., S/O.ACHU, AGED 27 YEARS, KOVVAL HOUSE, KOVVAL, HOSDURG VILLAGE, KASARAGOD DISTRICT.

3. SHYJU K., S/O.BHASKARAN, AGED 26 YEARS, KOVVAL HOUSE, HOSDURG, KASARAGOD DISTRICT.

4. GANESHAN A., S/O.KITTAN @ KRISHNAN, AGED 39 YEARS, AVIKKARA HOUSE, AVIKKARA, HOSDURG, KASARAGOD DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.K.P.HARISH

RESPONDENTS: COMPLAINANT & STATE

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1. STATE - REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM.

2. THE STATION HOUSE OFFICER, (CR.649 OF 2007 OF HOSDURG POLICE STATION) KASARAGOD DISTRICT.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**B.A.No.6941 of 2007**

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**Dated this the 14th day of November, 2007**

**ORDER**

Application for regular bail. Petitioners are accused 1 to 4. They face allegations along with 2 others for offences punishable, inter alia, under Section 308 r/w 149 I.P.C. The alleged incident took place on 28.10.07. The petitioners were arrested on 29.10.07. In the F.I.R, accused 1 to 4 are shown to be different persons. Subsequently they have been deleted from the array of accused and the petitioners have been brought on the array of accused. The incident is a sequel to disputes between members of the I.U.M.L and the C.P.M, it is submitted. The petitioners continue in custody from 29.10.07.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Totally false and vexatious allegations have been raised against the petitioners. In any view of the matter, the petitioners who were not named in the F.I.R and are subsequently brought on the array of accused and have been continuing in custody from 29.10.07 may now be enlarged on bail, it is prayed.

3. The learned Public Prosecutor does not oppose the prayer for regular bail and I am satisfied in the facts and circumstances of this

case that the petitioners can be granted regular bail subject of course to appropriate conditions.

4. In the result, this application is allowed. The petitioners shall be released on bail on the following terms and conditions.

i) The petitioners shall execute bonds for Rs.50,000/- (Rupees Fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

**(R.BASANT, JUDGE)**

rtr/-